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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,821	08/31/2001	James R. Lattner	2001B083	1421
23455	7590	05/27/2004	EXAMINER	
EXXONMOBIL CHEMICAL COMPANY				
P O BOX 2149				
BAYTOWN, TX 77522-2149				
ART UNIT			PAPER NUMBER	
1764				

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	09/943,821	Applicant(s)	LATTNER ET AL.
Examiner	Walter D. Griffin	Art Unit	1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 10-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/7/02, 11/13/02
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I in the paper filed on April 20, 2004 is acknowledged. The traversal is on the ground(s) that the two groups of claims are so closely related that they should remain in the same application to preserve unity of invention. This is not found persuasive because applicant has not shown that the alternative use put forth by the examiner is not feasible. Therefore, the restriction is proper.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Evans et al. (US 3,644,199).

The Evans reference discloses a process for the control of contact time in transport reactors. The process comprises flowing a feed and catalyst through a circulating fluid bed reactor to convert the feed to a product. Example 1 discloses reaction temperatures that are above the boiling temperature range for the feed. This would indicate that the feed is in the vapor state. The product is then separated from the catalyst. The reactor contains a control rod that is

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vertically movable to control the position of a plug. Adjusting the position of the plug would necessarily control the catalyst holdup while the catalyst circulation rate is generally fixed.

Process conditions include catalyst to feed weight ratios ranging from 2 to 20 and fluidizing velocities ranging from about 10 to 60 feet per second (3-18 m/s). See column 1, lines 31-46 and 69-75; column 2, lines 1-19 and 47-75; column 3, lines 1-24, 32-48, and 64-75; column 4, lines 1-44; and the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al. (US 3,644,199).

The Evans reference discloses a process for the control of contact time in transport reactors. The process comprises flowing a feed and catalyst through a circulating fluid bed reactor to convert the feed to a product. Example 1 discloses reaction temperatures that are above the boiling temperature range for the feed. This would indicate that the feed is in the vapor state. The product is then separated from the catalyst. The reactor contains a control rod that is vertically movable to control the position of a plug. Adjusting the position of the plug would necessarily control the catalyst holdup while the catalyst circulation rate is generally fixed. Process conditions include catalyst to feed weight ratios ranging from 2 to 20 and fluidizing velocities ranging from about 10 to 60 feet per second (3-18 m/s). See column 1, lines 31-46 and 69-75; column 2, lines 1-19 and 47-75; column 3, lines 1-24, 32-48, and 64-75; column 4, lines 1-44; and the claims.

The Evans reference does not disclose that the catalyst circulation rate is maintained within the ranges of claims 2-4 and does not disclose the weight hourly space velocity ranges as in claims 5-7.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of Evans by adjusting the weight hourly space velocity to be within the ranges claimed because Evans discloses that process conditions can vary within large ranges. Therefore, one having ordinary skill in the art would adjust conditions including WHSV values to obtain the desired conversion.

It also would have been obvious to one having ordinary skill in the art at the time the invention was made to have maintained the catalyst circulation rates as claimed because Evans discloses that the catalyst circulation rate is generally fixed. This would suggest to one having ordinary skill in the art to maintain a nearly constant circulation rate. By doing so, the circulation rate would be maintained as claimed.

Conclusion

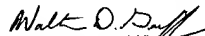
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art not relied upon discloses processes and apparatus for controlling catalyst holdup and/or residence time in transport reactors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter D. Griffin whose telephone number is (571) 272-1447. The examiner can normally be reached on Monday-Friday 6:30 to 4:00 with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Walter D. Griffin
Primary Examiner
Art Unit 1764

WG
May 24, 2004